

FAS

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

V.

David DELGADO-Savia,

Defendant

Magistrate Docket No.

'08 MJ 1552

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **May 16, 2008** within the Southern District of California, defendant, **David DELGADO-Savia**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **19th DAY OF MAY 2008**

Anthony J. Battaglia
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:

David DELGADO-Savia

PROBABLE CAUSE STATEMENT

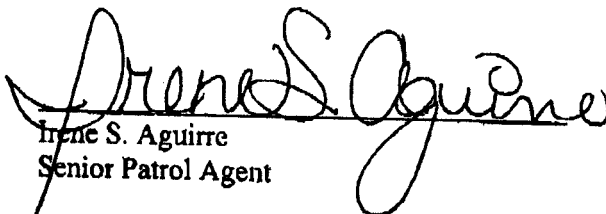
I declare under the penalty of perjury that the following statement is true and correct:

On May 16, 2008, at approximately 1:30 PM, Border Patrol Agent J. Murphy was conducting line watch operations in an area known as "Spoooner's Mesa." This area is approximately four miles west of the San Ysidro, California Port of Entry and ten yards north of the United States / Mexico International Boundary. Agent Murphy was patrolling immediately adjacent to the United States / Mexico International Boundary Fence when he discovered footprints leading north from the fence. He followed the footprints for approximately 100 yards and then saw eight individuals attempting to conceal themselves in some brush. Agent Murphy identified himself as a Border Patrol Agent and conducted an immigration inspection of each of the subjects. Each of the subjects, including one later identified as the defendant **David DELGADO-Savia**, admitted to being citizens and nationals of Mexico, and none were in possession of any immigration documents that would allow them to enter or remain in the United States legally. Each of the subjects also admitted that they had just entered by climbing over the United States / Mexico International Boundary Fence. Agent Murphy also recognized that he had arrested the defendant for illegal entry into the United States on a previous occasion. Agent Murphy arrested each of the subjects at approximately 2:00 PM and arranged for transportation to the Imperial Beach Border Patrol Station for processing.

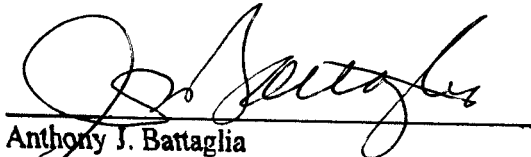
Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on April 4, 2008 through San Ysidro, California. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda Rights. The defendant said that he understood these rights and that he was willing to answer questions without the presence of an attorney. The defendant, again freely admitted to being a citizen and national of Mexico present in the United States without any documentation that would allow him to enter or remain legally. The defendant freely admitted that he was working as a foot guide on May 16, 2008. The defendant stated that he was to be paid \$100.00 USD per person that he successfully smuggled into the United States.

Executed on May 17, 2008 at 10:00 a.m.


Irene S. Aguirre
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on May 16, 2008, in violation of Title 8, United States Code, Section 1326.


Anthony J. Battaglia
United States Magistrate Judge

5/17/08 12:05 pm
Date/Time